

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-20216-CR-ALTONAGA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALTAVIOUS POWELL,

Defendant.

/

ORDER

THIS CAUSE came before the Court on Defendant Altavious Powell's Objections to the Magistrate Judge's Report and Recommendation [ECF No. 58], filed on September 22, 2022.

On August 29, 2022, the undersigned referred Defendant Altavious Powell's Motion to Suppress Physical Evidence and Defendant's Statement [ECF No. 33] to Magistrate Judge Lisette M. Reid. The Government filed a Response [ECF No. 46] to the Motion on September 13, 2022, and the Magistrate Judge held an evidentiary hearing on September 15, 2022. (*See* Sept. 15, 2022 Min. Entry [ECF No. 47]). At the evidentiary hearing, the Government presented as witnesses Miami-Dade Police Department Detectives Kimberly Nanney and Kevin Font. (*See* Report & Recommendation [ECF No. 55] 1). Defendant called no witnesses. (*See id.*).


Relying on the testimony at the hearing, the Magistrate Judge issued her Report on September 20, 2022. Shortly after the Magistrate Judge issued her opinion, Defendant filed his Objections, to which the Government filed a Response [ECF No. 61] on October 3, 2022.

The undersigned has carefully considered the parties' written submissions, the Magistrate Judge's Report, and the applicable law. Having made a *de novo* determination with respect to those portions of the Report to which Defendant has formally objected, it is

CASE NO. 22-20216-CR-ALTONAGA

ORDERED AND ADJUDGED that the Report and Recommendation on Defendant's Motion to Suppress Physical Evidence and Defendant's Statement [ECF No. 55] is **ADOPTED** in its entirety, and the Objections [ECF No. 58] are **OVERRULED**. Defendant's Motion to Suppress Physical Evidence and Defendant's Statement [ECF No. 33] is **DENIED**.

DONE AND ORDERED at Miami, Florida, this 4th day of October, 2022.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record